

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE:

STANDARD OPERATING PROCEDURE
GOVERNING PROTECTION OF PERSONAL
AND SENSITIVE INFORMATION AND
PUBLIC ACCESS TO COURT FILES IN
ACCORDANCE WITH THE *E-GOVERNMENT*
ACT OF 2002

Misc. No.3:03MC11

1. The *E-Government Act of 2002*, 44 U.S.C. §§ 3500 et seq. [the Act], contains provisions governing privacy of case file information that are inconsistent with procedures contained in the privacy policy adopted by the Judicial Conference of the United States in September/October 2001.

2. Federal courts have been formally directed by the Committee on Court Administration and Case Management, Judicial Conference of the United States, to immediately conform their local rules and practices to the Act.

3. The United States District Court for the Northern District of Mississippi and the United States District Court for the Southern District of Mississippi have jointly combined their local rules into a single compilation: UNIFORM LOCAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI AND THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI (Dec. 1, 2000) [Local Rules].

4. The United States District Court for the Northern District of Mississippi and the United States District Court for the Southern District of Mississippi are served by a jointly appointed Advisory Committee on Local Rules of Civil Practice and Procedure [the Rules Committee]. The Rules Committee is charged with the duties of proposing rules and amendments to rules and submitting those proposals to the courts for such action as the courts deem appropriate.

5. To avoid delaying implementing the Act pending the Rules Committee's convening to consider the requirements of the Act, plus such other rules and amendments as may be necessary, this court is implementing this Standard Operating Procedure as an interim measure, to remain in effect until it is superseded by a

local rule proposed and submitted by the Rules Committee, adopted by the Northern District and the Southern District, and approved by the Judicial Conference of the Fifth Circuit.

6. IT IS ORDERED that the “Standard Operating Procedure Governing Protection of Personal and Sensitive Information and Public Access to Court Files” appended hereto as Exhibit A and incorporated by reference herein is adopted as a procedure governing practice in the United States District Court for the Northern District of Mississippi, effective immediately.

7. IT IS FURTHER ORDERED that the clerk of court shall notify the bar of this court of the adoption of the standard operating procedure by posting an appropriate notice on this court’s public website and by mailing a copy of this order and the procedure to counsel of record, including persons proceeding pro se, who have cases presently pending on this court’s docket and in all cases commenced after the date of this Order. The clerk may send this order and the standard operating procedure as enclosures with other correspondence routinely sent to counsel and pro se litigants; no more than one such notice shall be provided to each attorney and each pro se litigant.

8. IT IS FURTHER ORDERED that this Order shall remain in effect until it is effectively superseded by such new or amended local rules as this court may by order implement.

May 20, 2003
Date

/s/ Glen H. Davidson
GLEN H. DAVIDSON, Chief Judge

/s/ W. Allen Pepper Jr.
W. ALLEN PEPPER JR., District Judge

/s/ Michael P. Mills
MICHAEL P. MILLS, District Judge

/s/ Neal B. Biggers Jr.
Neal B. Biggers Jr., Senior Judge

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF MISSISSIPPI

STANDARD OPERATING PROCEDURE GOVERNING PROTECTION OF PERSONAL AND SENSITIVE INFORMATION AND PUBLIC ACCESS TO COURT FILES

A. **Personal Identifiers Prohibited.** The following categories of information are deemed by statute, 44 U.S.C. §§ 3500 et seq., to be “personal identifiers” and shall not be stated in pleadings or other court-filed documents, including exhibits, except as provided by this standard operating procedure:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.

B. **Redacted Personal Identifiers.** When personal identifiers are necessary and relevant, they shall be stated in pleadings and other court-filed documents, including exhibits, only in the following redacted formats unless otherwise ordered by the court:

1. A social security number shall be shown by only its final four digits.
2. The name of a minor child shall be stated by only the child’s initials.
3. A person’s date of birth shall be stated by only the year of birth.
4. A financial account number shall be stated by only the last four digits or letters of the number.

C. **Exception; Sealed Documents.** On motion and for good cause shown, the court may permit a party to file both a sealed document containing unredacted personal identifiers and a redacted copy for the public file. The court disfavors sealed documents; authorization to seal a document will be granted sparingly.

D. **Responsibility and Duty of Counsel and Parties.** The responsibility and duty for

protecting personal identifiers rests on counsel and the parties. Neither the court nor the clerk will review pleadings for compliance. Counsel and parties must consider that the *E-Government Act of 2002*, 44 U.S.C. §§ 3500 et seq., and the policies of the Judicial Conference of the United States, require all federal courts eventually to make pleadings, orders, and judgments available over the Internet. Consequently, personal identifiers and sensitive information and data that formerly were available publicly only by a physical review of the courts' case files will be available openly and readily on the court's Internet public websites.

E. Sensitive Information and Data; Caution Advised. The following categories of information may be deemed "sensitive information" or "sensitive data":

1. Personal identifying numbers, such as driver license numbers.
2. Medical records, treatments, and diagnoses.
3. Employment histories.
4. Personal financial information.
5. Proprietary or trade secret information.

F. Redacted Sensitive Information and Data. When sensitive information or sensitive data is necessary and relevant in the course of litigation, it may be stated in pleadings and other court-filed documents, including exhibits, in such redacted format as may be appropriate under the circumstances.

G. Sealed Sensitive Information and Data. On motion and for good cause shown, the court may permit a party to file both a sealed document containing unredacted sensitive information or data and a redacted copy for the public file. The court disfavors sealed documents; authorization to seal a document will be granted sparingly.

H. Responsibility and Duty of Counsel and Parties. The cautions pertaining to personal identifiers presented in preceding paragraph D. of this standard operating procedure are equally applicable to sensitive information and data.